people, was transfused through the entire body of the law, and it was this law, truly Germanic in essence, which, when Germanic ideas were brought at last into a collected whole upon the formation of the German civil code, appeared in its true form of a thoroughly Germanic and homogenous growth.

The similarity of the early English and Germanic law has already been alluded to. The differences in development of the two national types is shown by Professor Huebner, not only to owe much of that divergence to differences of national character and environment, but also to have been due to the different way in which the Roman law influenced the German and the English legal thought. In speaking of the "reception" of the Roman law in Germany and of its influence in England Professor Huebner says, quoting from Brunner, that in England "the national law was spared a 'reception': an early acquaintance with the *Corpus Juris Civilis*, seems rather, 'in the manner of a prophylactic inoculation to have rendered it immune to a fatal infection.'"

Those students of the modern German law who may have been troubled by the terminology of that law, and its borrowing from the terminology of the Roman law, will especially appreciate the magnitude of the escape of the English common law from that "infection." Had it been otherwise we who have inherited that law to so great a degree would have to regret, not a "Juristic German, ridiculously embellished with foreign words," but a juristic English, made stiff and formal by an inherited antiquity of thought, and a rigid formality of language, instead of the succinct and mobile phrases which have come down to us from the facile French of our early law writings.

We have been taught to admire the German Codes; it is very possible that those who have taught us to admire them have given the credit of most of the clear thought and logical development of these codes to their Roman origin. We are indebted to Professor Huebner and his colleagues of the same school of thought for impressing upon us the fact that the merits of that great work of codification are not due to Roman thought and the influence of Roman law, but that it is the outgrowth of a truly indigenous movement, and a clear and definite expression of Germanic legal thought.

M. C. Klingelsmith.

PROGRESS OF CONTINENTAL LAW IN THE NINETEENTH CENTURY. By various authors. Continental Legal History Series, Volume XI, Little, Brown and Co., Boston, 1918.

This volume completes the series of works on Continental Legal History published under the auspices of the Association of American Law Schools. Earlier volumes have from time to time received favorable comment in this review and it is only right at this time to offer to the editorial committee congratulations upon the completion of an undertaking of the highest value to legal education in America. The scope of this volume is very broad, covering as it does in broad outline the movement for codification throughout Europe that had its chief source of inspiration in the Code Napoleon, the legislation of the period directed to meet changed political and economic conditions and lastly the movement still in its infancy for the unification of the private law of the several nations. The contributors represent many countries and include Alvarex of Chile, Duguit Charmont and Gaidement of France, Vanni and Rocco

of Italy and Reinsch, Baldwin and Wigmore of the United States, the translators are Layton B. Register, of Philadelphia, and Ernest Bruncken, of Washington. It is not easy to generalize about movements so close to our times as those that form the principal subjects of comment in this volume, and much that is written may seem to belong to the field of sociology rather than to law in the strict sense. Useful as it may be, it is very difficult to make codification interesting to the average reader even of law. The promise of unification of the law held out in the latter part of the volume seems unlikely to be soon fulfilled in the present state of the world. But these difficulties are in the material and are largely offset by the serious and scholarly way in which they are presented. The volume will be of the highest value to those working in the field of comparative law and of true interest to all who, whether as lawyers or historians, wish to get to the heart of the Nineteenth Centuy.

William H. Lloyd.

INTERNATIONAL WATERWAYS. By Paul Morgan Ogilvie, M.A. Macmillan, 1920. Pp. 424, $3.00.

An astonishing combination is presented by the author of this book. The first part, which bears the sub-title of "Evolution of the Principle," is a non-technical and highly interesting sketch of the part that the sea has played in the life of man and the extent of sovereignty which various nations in the history of the world have claimed over it, and over inland waterways. After two pages of over-conscious struggle for words, the style becomes natural and easy (except for an annoying use of semi-colons in place of commas and parentheses). Part II of the book, on the other hand, contains 250 pages of exhaustive indices and bibliographies relating to the international inland waterways throughout the world. The first part is for the non-expert, who in reading this straightforward outline of man's progress on the sea, will find both his brain and his imagination stirred. But such a reader will find but little use for Part II, which enables one to locate international treaties such as those relating to the Whangpoo River (China), the Fly River (New Guinea) or the fisheries in the Wom River (Africa). Whereas for the expert, who wishes to delve into the intricacies to which Part II leads, Part I would be too elementary to be of service.

In Part I the author traces the idea of sovereignty of individual states over the high seas from the earliest days, showing that the principle of freedom of the seas was not generally recognized until a century ago, when Great Britain, after years of wars in which she had successfully maintained her sovereignty over the Four Seas, gave up her claim at the moment when she had reached the point where the claim was unchallenged, realizing that her future lay in a freedom of the seas watched over by a British navy. The encroachments of belligerents in the World War on the principle of freedom of the seas through the doctrine of "continuous voyage," paper blockades, and the extension of contraband are noted, but the author has no solution or forecast to offer beyond a belief (p. 168) that "ultimately, through the slow process of international consensus" the right of use of the seas will be freed from these and other remaining restrictions.

It is unusual that such a book as this should contain no mention of the great ocean-to-ocean canals of the world, such as Suez, Panama and Kiel.

Robert Dechert.